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NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

REYNALDO FERNANDEZ-
GASTELUM,

Defendant - Appellant.

No. 07-10119

D.C. No. CR-05-01208-CKJ-GEE

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Cindy K. Jorgenson, District Judge, Presiding

Submitted November 13, 2007^{**}

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Reynaldo Fernandez-Gastelum appeals from his 37-month sentence imposed for illegally reentering the United States following a prior deportation, in

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Fernandez-Gastelum contends that his sentence is unreasonable because it does not adequately reflect the mitigating features of his case. We disagree. The district court carefully considered Fernandez-Gastelum's history and circumstances, addressed the statutory factors specified in 18 U.S.C. § 3553(a), properly applied the Sentencing Guidelines, and granted Fernandez-Gastelum a two-level downward departure before imposing a sentence at the bottom of the Guidelines range. We cannot conclude such a sentence is unreasonable. *See United States v. Plouffe*, 445 F.3d 1126, 1131 (9th Cir.), *cert. denied* 126 S. Ct. 2314 (2006).

AFFIRMED.